IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE
and
THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 10052 of 2004

Between:
1 M/s. Oban Home Needs Ltd., regd Office at 12-2-823/A/4/1, oban Centre, Gottipati towers,
Mehidipatnam, Hyderabad, rep by Director, P.S. Naidu
2 Sri P.S. Naidu S/o late P.N. Naidu
r/o Plat No.2 Suna Jyothi Apartments, Jyothi Nagar, Gudimalkapur, Hyderabad-28

..... PETITIONERS

AND

1 The Presiding Officer, Debts Recovery Tribunal, Hyderabad
2 The Manager, Andhra Bank, Mehidipatnam, Branch, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus duly quashing the impugned order passed by the Hon'ble Tribunal in I.A. No. 320 of 2002 in O.A. No. 118 of 2002 dt 26-5-2004 and direct the respondent No.1 to adjudicate upon the claim of set Off' and counter claim of the petitioner company in the first instance since the hypothecated property was already damaged and destroyed due to the delay and contributory negligence of the Respondent Bank

For the Petitioner: MR.JAKKAMSETTI RAVINDRA , Advocate

For the Respondent No1.:K.G.KRISHNAMOORTHY , Addl.SC FOR

CG

For the Respondent No.2 :Mr A.KRISHNAM RAJU, SC FOR ANDHRA BANK

The Court made the following :

ORAL ORDER: **(per HON'BLE THE CHIEF JUSTICE)**

Learned counsel for the petitioners submits that he has received instructions to withdraw the writ petition. Writ Petition is dismissed as such. No costs.

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DEVINDER GUPTA. C.J.,

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G. ROHINI. J.,

Dated: 22.06.2004.

Kvrk/Vrk

To

1. **The Presiding Officer, Debts Recovery Tribunal, Hyderabad**
2. **The Manager, Andhra Bank, Mehidipatnam Branch, Hyderabad**
3. Two CD copies